

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PARIS L. JAMES,
Plaintiff

v.

JOHN WETZEL, et al.,
Defendants

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No. 1:21-cv-01069

(Judge Kane)

ORDER

AND NOW, on this 24th day of June 2022, upon consideration of Defendants’ motion to dismiss the complaint (Doc. No. 14), filed pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and in accordance with the accompanying Memorandum, **IT IS ORDERED THAT:**

1. The motion to dismiss (Doc. No. 14) filed by Defendants Wetzel, McGinley, Nicklow, Drucis, and Belles is **GRANTED**, and Plaintiff’s claims against them are **DISMISSED WITHOUT PREJUDICE** for failure to state a claim upon which relief may be granted;
2. Plaintiff may file an amended complaint within **thirty (30) days** of the date of this Order in order to attempt to cure the deficiencies identified in the Court’s accompanying Memorandum;
3. If Plaintiff elects to file an amended complaint, he must re-plead every cause of action in the amended complaint because it will supersede the original complaint. See Garrett v. Wexford Health, 938 F.3d 69, 82 (3d Cir. 2019) (stating that “an amended pleading supersedes the original pleading and renders the original pleading a nullity[,]” and “[t]hus, the most recently filed amended complaint becomes the operative pleading”) (citation and internal citation omitted);
4. The Clerk of Court is directed to mail Plaintiff a civil rights complaint form. Plaintiff shall title that complaint form “Amended Complaint” and shall include the docket number for this case, 1:21-cv-01069; and

5. The Clerk of Court is directed to amend the Court's docket to update the names of Defendants Deputy Niclow, Lt. Dricus, and Lt. Belles as follows: William Nicklow; Sean Drucis; and Christopher Belles.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania